

Application No. 10/532953
Responsive to the office action dated February 20, 2009

REMARKS

Favorable reconsideration of this application is requested in view of the above amendments and following remarks.

Claims 1 and 11 have been amended as supported by the specification on page 17, lines 9-26, page 23, line 1 to page 25, line 7 and FIG. 5 and 6 for example. Claims 4-10 have been amended editorially. Claims 2, 3, and 12-20 have been canceled without prejudice or disclaimer. Claims 21-28 have been added. Claims 21-27 depend from analyzer independent claim 11 and track claims dependent on method claim 1. The use of acid, neutral, alkaline and surfactant blanks in new method claim 28 is supported at page 23 of the specification.

Claims 1-3, 9-14, 16-17, and 19-20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Tiffany (U.S. 5,508,200). Applicants respectfully traverse this rejection.

Claim 1 is directed to a method of correction in analyzing a sample with respect to a plurality of analysis items. The method requires dividing the plurality of analysis items into plural groups of analysis items that share similar reaction conditions; allocating a plurality of blank measurement systems to the plural groups of analysis items, respectively, in a manner such that each group of analysis items shares a same blank measurement system; and correcting measurement results commonly with respect to each group of analysis items on the basis of blank measurement performed for the same blank measurement system allocated to each group of the analysis items. Claim 11 is directed to an analyzer with features tracking those of claim 1.

In Tiffany, one of the smaller areas or spots 18 is selected as a blank area to which water or other blanking material is applied, and this area is used in determining the relative intensity of all other sample areas (see Figure 2 and column 12, lines 59-63). Thus, Tiffany fails to teach or suggest a method or apparatus in which a plurality of analysis items are divided into plural groups that share similar reaction conditions. Nor does it teach or suggest a method or apparatus in which a plurality of blank measurement systems are allocated to the plural groups of analysis items, respectively, in a manner

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such that each group of analysis items shares a same blank measurement system. Thus, claims 1 and 11 are neither disclosed nor suggested by Tiffany.

Claims 9-10 are allowable at least by virtue of their dependence on independent claim 1 and the rejection of these claims should be withdrawn. Claims 2-3, 12-14, 16-17, and 19-20 have been canceled and therefore the rejection of these claims is moot. Applicant does not concede the correctness of the rejection for the features of these claims.

Claim 18 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Tiffany (US 5,508,200). This claim has been canceled and therefore the rejection is moot. Applicants do not concede the correctness of the rejection.

Claims 4-8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiffany (US 5,508,200) in view of Bollin (US 4,485,176). Applicants respectfully traverse this rejection.

Bollin does not remedy the deficiencies of Tiffany noted above, and claims 4-8 are allowable at least by virtue of their dependence on independent claim 1. Therefore, the rejection of these claims should be withdrawn. Claim 15 has been canceled and therefore the rejection of this claim is moot. Applicants do not concede the correctness of the rejection.

New dependent claims 21-27 are allowable at least by virtue of their dependence on independent claim 11. Regarding new claim 28, Tiffany fails to disclose plural analysis groups with plural blank measurement systems as required by claim 28. Bollin discloses measurement of protein concentration in the presence of a cationic surfactant in an alkaline environment (see Abstract). However, Bollin fails to teach or suggest the use of an acidic blank measurement system for analysis correction with respect to a first group of analysis items, the use of a neutral blank measurement system for analysis correction with respect to a second group of analysis items, the use of an alkaline blank measurement system for analysis correction with respect to a third group of analysis items, and the use of a surfactant blank measurement system for analysis correction with respect to a fourth group of analysis items and claim 28 should be allowable.

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Applicants respectfully request that a timely Notice of Allowance be issued in this case.

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.



Dated: August 19, 2009

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